AN

ACT

For Avoiding of

Vexatious Delays,

CAUSED

By Removing Actions and Sutes

OUT OF

Inferior Courts.

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For Redreſs of certain

ABUSES,

IN MAKING

Pewter and Braſs.

DUBLIN:

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An ACT for avoiding of Vexatious Delays, caused by Removing Actions and Sutes out of Inferior Courts.

CHAP. XXXVIII.

WHEREAS there now are, and long time have bēn divers Courts of Record, and divers Cities, Liberties, Towns Corporate, and elsewere, some of them being far remote from Dublin, which were principally obtained for the Ease and Quiet of such as should have occasion to Sue there for Debts and Wrongs, so that they might with small Expences, Receive Justice according to the Merits of their Causes in those Inferior Courts, without being Compelled to Travel to Dublin, but of late divers of His Majesty's Subjects, having for Just and True Debts, and other Good and Lawful Causes commenced Sutes in such Inferior Courts and Prosecuted their Actions and Sutes many times ready for Tryal, and the same Causes being for the most part of small value, have bēn Removed into some of His Majesty's Courts at Dublin, and being remanded by Procedendo, into the same Inferior Courts, where the Action or Sute was first commenced, the same having bēn again often times Removed into the same, or other of His Majesty's Courts at Dublin, to the Intollerable delay of Justice, and great Expences of Money, and Loss, and Trouble to those which Justly and Honestly,

Honeſtly, by ſuch Actions and Sutes, have ſought only to Recover, or get Satisfaction for Debts, Duties or Wrongs Owing, Due or Done unto them. For Remedy whereof,

Be it Enacted by the King's Moſt Excellent Majeſty, by, and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That no Writ, or Writs of Habeas Corpus, Certiorari, or any other Writ or Writs, Proceſs or Proceſſes whatſoever, other then Writs of Error, or Attaint, to be Sued forth after the Twentieth Day of November next, Which Will be in this preſent Year of our Lord, One thouſand Six hundred Ninety ſeaven, by any perſon or perſons whatſoever, out of, or from any of His Majeſty's Courts at Dublin, or out of any other Court or Courts, having, or pretending to have power to Award ſuch Writs or Proceſſes to ſtay or remove any Action, Bill, Plaint, Sute or Cauſe, Brought, Commenced, or Depending, or hereafter to be Brought, Commenced, or Depending in any Court or Courts of Record, Within any City, Liberty, Town Corporate, or elſewhere, Which have, or ſhall have Juriſdiction, Power or Authority, to hold Plea in that Action, Bill, Plaint, Sute or cauſe, the ſame cauſe of Action, Bill, Plaint, or Sute ariſing, or growing within the ſaid City, Liberty, Town Corporate or Juriſdiction, ſhall after the ſaid Twentieth day of November next, be Received or Allowed, by the Steward, Judge or Judges, or Officer or Officers of the Court or Courts, wherein or to whom any ſuch Writ or Writs ſhall be Directed and Delivered, but that he and they ſhall

and

and may proceed in the said Cause or Causes, as though no such Writ or Writs were Sued forth, or Delivered to him or them, Except that the said Writ or Writs be Delivered to the Steward or Stewards, Judge or Judges, Officer or Officers of the said Court, before Issue or Demurrer, joyned in the said Cause or Causes so Depending, or to be Depending in such Court of Record, in any City Liberty, Town Corporate, or elsewhere, having Power to hold such Plea, so as the said Issue and Demurrer be not joyned in Six Weeks next after the Arrest or Appearance of the Defendant or Defendants, to such Action or Sute commenced.

And be it further Enacted by the Authority aforesaid, That if any such Action, Bill, Plaint, Sute, or Cause, which is, or shall hereafter, be brought, Commenced, or Depending in any such Court of Record in any City, Liberty, Town Corporate, or elsewhere, shall after the said Twentieth Day of November next, be removed or stay'd by any such Writ or Writs, Process or Proceesses, to be Sued forth out of any of His Majesty's Courts at Dublin, or any other Court as aforesaid: That if afterwards the same Action, Bill, Plaint, Sute, or Cause, shall be remanded or sent back again by any Writ or Writs of Procedendo, or other Writ whatsoever; that then the said Action, Bill, Plaint, Sute, or Cause, shall never afterwards be removed or stay'd before Judgment, by any Writ or Writs whatsoever, to be Sued forth out of any of His Majesty's said Courts, at Dublin, or any other Court, as aforesaid, any Law, Statute, Custom, Usage, or Restraint to the contrary thereof, in any Wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint, Sute, or Cause, not concerning Free-hold, or Inheritance, or Title of Land, Lease, or Rent, which shall be Brought, Commenced, or Depending in any such Court of Record, or any City, Liberty, Town Corporate, or elsewhere, if it shall appear, or be laid in the said Declaration, that the Debt, Damages, Things Demanded, doth or shall not Amount to, or exceed the Summ of Five Pounds, that then such Action, Bill, Plaint, Sute, or Cause, shall not be stay'd, nor be removed into any of His Majesty's Courts at Dublin, or other Court as aforesaid, by any Writ or Writs whatsoever, to be Sued, or Prosecuted forth, or out of His Majesty's said Courts at Dublin, or other Courts, as aforesaid, other then Writs of Error, or Attaint, any Law, Statute, Usage, Custom, or Restraint to the contrary, in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That if any Writ or Writs whatsoever, shall be after the said Twentieth Day of November next, Granted or Sued forth, out of any His Majesty's Courts at Dublin, or other Court, contrary to the meaning of this present Act; that then it shall, and may be Lawful to, and for the Judge or Judges, and Officer or Officers, to whom such Writ or Writs shall be Delivered, to Disallow, and Refuse the same, and to Proceed as if no such Writ or Writs, had been Granted, or Sued out, or forth, as aforesaid, any Law, Statute, Usage, Custom, or Restraint, to the contrary in any wise notwithstanding.

And

And whereas ſome perſons have doubted, whether an Act made in the Tenth Year of the Reign of King Charles the Firſt, Intituled, An Act for Expedition of Juſtice in Caſes of Demurrers, &c. And one other Act made in the ſaid Tenth Year of the ſaid King Charles the Firſt, Intituled, An Act for the Reformation of Jeofailes, &c. Extend to Inferior Courts of Record.

And whereas an Act made in the Thirty Third Year of the Reign of King Henry the Eighth, Intituled, An Act touching Miſ-impleading and Jeofailes. And an other Act made in the ſaid Tenth Year of the ſaid King Charles the Firſt, Intituled, An Act for avoiding Unneceſſary Delays of *Execution*: And an other Act made in the Seaventeenth and Eighteenth Years of King Charles the Second, Intituled, An Act to prevent *Arreſts* of Judgment, and Superſeading Executions, are found by Experience to be Good and Beneficial Laws, but do not Extend to the ſaid Inferior Courts; To the end thereof, that all His Majeſty's Subjects may have the full Benefit and Advantage of ſo Good Laws.

Be it Enacted by the Authority aforeſaid, That all the ſeveral above-mentioned Acts, ſhall from the ſaid Twentieth Day of November next, be, and be Conſtrued to be in Force, in all Inferior Courts of Record in this Kingdom, and ſhall be as Effectual, and as duly obſerved in all the ſaid Inferior Courts, as if the ſaid Inferior Courts had been particularly named and expreſſed in the ſeveral abovementioned Acts.

And

And whereas in County Courts, Manor Courts, and other Inferior Courts, where ſhall Actions of Debts and Damages, under Forty Shillings are Tryed, ſufficient Encouragement cannot be given to Attorneys, or other perſons Skilled in the Law of this Realm, to practice, ſo that the Pleadings and Proceedings in the ſaid Courts, are not ſo Formal as by Law they ought to be, for the Eaſe of the Subject.

Be it Enacted by the Authority aforeſaid, That in all the ſaid Inferior Courts, which have Power to Try Actions under Forty Shillings, and no more, that the Proceedings and Pleadings may be in Engliſh, and ſhall not for that, or any other Defect in Form, be Quaſhed or Vacuated if the ſame be Removed by Writ of Falſe Judgment, or otherwiſe, into any of His Majeſty's Courts of Record, any Former Law, Cuſtom, Statute, or Uſage to the contrary notwithſtanding.

An ACT for Redreſs of certain Abuſes in Making Pewter and Braſs.

CHAP. XXXIX.

WHEREAS there is much Pewter and Braſs, Made, Wrought, and Mended within this Kingdom, which is not of ſuch Fine Mettal, and ſuch perfect Goodneſs as the ſame ought to be; and is Made, Wrought, and Mended oftentimes by very

ry Unskillful persons, who understand not the True Making and Working of such Metals, or by other persons, who use the said Art Deceitfully, all which Tends much to the prejudice of His Majesty's Subjects, who have occasion to Buy, and make Use of Pewter and Brass: For Remedy Whereof.

Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the First day of January next, which Will be in the present Year of Our Lord, One thousand Six hundred and Ninety seaven, no person or persons, using the Crakt or Trade of Pewters and Brasiers, or who Buy, Sell, Trade, or Deal in the same, within this Realm, shall Sell or Change, any Pewter or Brass, New or Old, at any place or places, save only in open Faires and Markets, or in their own Publick Shops and Dwelling Houses, upon pain that every person and persons, Acting contrary hereunto, shall for every such Offence, Forfeit and Lose the Summ of Forty Shillings, the one half to go, and be to the use of the Poor of the Parish, where such Offence shall be Committed, the other half to the person or persons, that shall Seize, Find, or Prosecute for the same.

And be it further Enacted by the Authority aforesaid, That no person or persons, from and after the said First day of January next, shall at any place or places, within this Realm, Cast, Make or Work any new Pewter, or Brass Vessel, but such as shall be of as good Fine Me-

tal, as is the Pewter and Brass, Cast and Wrought after the perfect Goodness required for the same, within the City of London, upon pain of Forfeiture of all and every such Pewter and Brass Vessel and Vessels so Cast, Made, and Wrought contrary thereunto, the one half of such Forfeiture to be to the use of the Poor of the Parish, where such Offence shall be Committed, the other half to the use of the Finder, Discoverer and Prosecutor for the same. Which said Offences shall be Examined, Heard and Determined in all Cities, and Corporate Towns, by, and before the Mayor, Bailiff, Soveraign, Portreeve, or other head Officer of such City, or Town Corporate, and in all other places, by and before two Justices of the Peace of the respective Counties, where such Goods shall be so Seized, as aforesaid, who are hereby Authorized and Required, to Examine the said Matters, on Oath of One or More Witnesses, which Oath they are hereby Authorized to Administer, and to Hear, Determine, and give Judgment thereupon, for the Forfeiture of such Goods, to the Uses aforesaid, or otherwise for Discharging and Restoring the same, as they shall see cause; Which said Judgment so given, such Mayor, Bailiff, Justices of the Peace, or other Officer, are hereby Required to Return, and Certifie to the Justices of the Peace, at the next Quarter-Sessions, to be held for such City, Town Corporate, or County respectively, to the Intent that the same may be there Entred of Record.

Provided always, That no Pewter and Brass, shall be so Seized or Forfeited, save only such as shall at the time of such Seizure, be in the pos-

poſſeſſion of ſome Pewterer or Braſier, or other perſon uſing the ſaid Trade or Miſtery, or Selling ſuch Pewter or Braſs, or of ſome perſon or perſons in Truſt for him or them, and not ſuch as ſhall be in the poſſeſſion of any other perſon not uſing ſuch Trade or Miſtery, as the proper Goods of ſuch other perſon.

And be it further Enacted by the Authority aforeſaid, That no manner of perſon or perſons, of what Degree or Condition ſoever, he or they be, from and after the ſaid Firſt day of January next, ſhall make any Hollow Wares, That is to ſay, Salts and Pots, or the like of Pewter, called Lay-Metal, which ſhall be of courſer or worſe Metal then according to the Aſſize of Lay-Metal Wrought within the City of London; and that the Makers of ſuch Wares, ſhall make the ſame Wares, with ſeveral and particular Marks of their own, to the intent, that the Makers of ſuch Wares ſhall avow the ſame, and ſuch Wares may appear to be made by them, and that all and every ſuch Wares not ſo ſufficiently Made, Wrought, or Marked in Form aforeſaid, found in the poſſeſſion of the ſame Maker or Seller, ſhall be Seized as Forfeited; and if the ſame Ware be Sold before ſuch Seizure, then the ſaid Maker ſhall Forfeit the Value of the ſame Ware, ſo Unlawfully Wrought and Sold, the One half of ſuch Forfeiture, to be the Uſe of the Poor of the Pariſh where ſuch Offence ſhall be Committed, and the other half to the Uſe of the Finder or Finders, Searcher, and Proſecutor for the ſame; ſuch Offences to be Examined, Heard, and Determined as aforeſaid.

And be it further Enacted by the Authority aforeſaid, That if any perſon or perſons, after the

the ſaid Firſt Day of January next, Uſing, Buy-ing, and Selling, of Pewter and Braſs, ſhall have, or make uſe of any Deceitful, or Falſe Beams, or Weights, ſuch perſon or perſons, ſhall for every ſuch Offence, Forfeit the Summ of Five Pounds, the one half to the Poor of the Pariſh where ſuch Offence ſhall be Com-mitted, the other half to the perſon or perſons, Finding, Diſcovering, & Proſecuting for the ſame, ſuch Proſecution to be before ſuch reſpective per-ſons, and in like manner, as for the other Of-fences, againſt this Act before mentioned; And ſuch perſons are hereby reſpectively Authorized and Required, to Act therein, as in caſes of ſuch other Offences; and if the ſaid Offender or Offen-ders, ſhall not be ſufficient to pay the ſaid Summ or Summs, ſo by him or them Forfeited, that then it ſhall, and may be Lawful, to, and for ſuch per-ſon or perſons reſpectively, before whom ſuch Of-fences ſhall be Tryed, to put ſuch Offender in the Stocks, for the ſpace of Two Hours, and after to continue him in Cuſtody, until the next Market Day, for the place where ſuch Offence ſhall be committed, and then in the open Mar-ket place, during the chief time of ſuch Mar-ket, to put, and continue him with his Head in the Pillory, for the ſpace of one Hour.

And be it further Enacted by the Authori-ty aforeſaid, That it ſhall and may be Lawful, to, and for the Maſter and Wardens, of the ſaid Crafts of Pewterers and Braſiers, Within every City and Burough, within this Realm, where ſuch Maſter and Wardens are; and where ſuch Maſter and Wardens are not, then to, and for the Head Officer, and Magiſtrates of the ſaid City and Burough, to appoint certain perſons,

moſt

moſt expert in knowing of the ſame, to make Search in Cities and Buroughs where they dwell, for, and after ſuch Offenders and him or them, to Apprehend, or Cauſe to be Apprehended; and alſo to Seize ſuch Goods as they ſhall juſtly ſuſpect to be made contrary to this Act, and Lyable to be Seized by Vertue thereof, and forthwith to bring ſuch Offenders and Goods ſo Apprehended and Seized, before the reſpective perſons hereby Required to Hear, and Determine ſuch Offences, in Order to their further Procedure thereupon, according to the directions of this Act: And the Juſtices of the Peace within every Shire, or County of this Kingdom, are hereby Authorized and Required, at the General-Seſſions of the Peace, to be held for their reſpective Counties, at Michaelmas in every Year, to Aſſign and Appoint, Two certain perſons, having Experience in ſuch Goods, to make Search in the Premiſes, in every part of the ſaid Shire or County, as well within Franchiſes, as without, except in Cities or Buroughs, where perſons are appointed for that purpoſe, by the Head Officers, or Governour of the ſame, and to Seize ſuch Offenders, and Goods, and bring the ſame before ſuch Juſtices of the Peace, who is hereby Required, to Hear and Determine ſuch Offences, in Order to their further procedure thereon, as aforeſaid; and that in default of the Maſter and Wardens, or other the perſons to be Appointed, according to this Act, of Searching in manner aforeſaid, it ſhall and may be lawful, to, and for any other perſon or perſons having Cunning, and Knowledge in the ſaid Occupation, by over-ſight of the Mayor, Bailiff, and Head Officers of the ſaid Cities and Buroughs, to Search all the aforeſaid places, for any of the aforeſaid Unlawful Metals, and Unlawful Weights, in order to the putting of this preſent Act in due Execution.

FINIS.